

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHARLOTTE M. BAYSAC,	:	
	:	
Plaintiff,	:	
	:	23 Civ. 10273 (LGS)
-against-	:	
	:	<u>ORDER</u>
NYC HEALTH & HOSPITALS	:	
CORPORATION,	:	
	:	
Defendant.	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the Order dated December 5, 2023, required the parties to file a proposed case management plan and joint letter seven (7) days before the initial pretrial conference. The parties have not done so.

WHEREAS, the Order dated January 25, 2024, required that, if Plaintiff has not been in communication with Defendants, she shall file a status letter regarding her efforts to serve Defendants and request an adjournment of the initial pretrial conference. Plaintiff has not done so.

WHEREAS, the February 15, 2024, Order again instructed Plaintiff to file a status letter on her efforts to serve Defendants and advised Plaintiff that failure to comply with the Order may result in dismissal of the case without prejudice for failure to prosecute. Plaintiff has not filed a status letter or requested an adjournment.

WHEREAS, the March 22, 2024, Order, once more instructed Plaintiff to file a status letter or request an adjournment, and again advised her that failure to comply may result in dismissal of the case without prejudice for failure to prosecute. Plaintiff has not filed a status letter or requested an adjournment.

WHEREAS, Defendant has not appeared, and Plaintiff has not filed proof of service on

the docket. Plaintiff has not filed any letter regarding her communications with Defendants or her efforts to effect service on them. It is hereby

ORDERED that if Plaintiff has been in communication with Defendants, then the parties shall file the joint status letter and proposed case management plan as soon as possible and no later than **May 15, 2024**. If Plaintiff has not been in communication with Defendants, she shall file a status letter regarding her efforts to serve Defendants and request an adjournment of the initial conference as soon as possible and no later than **May 15, 2024**. Plaintiff is advised that failure to comply with this Order may result in dismissal of the case for failure to prosecute. It is further

ORDERED that the initial pretrial conference scheduled for April 24, 2024, is adjourned to **May 22, 2024, at 4:20 P.M.**

ORDERED that, by **April 24, 2024**, if Plaintiff seeks the assistance of a United States marshal to serve a copy of the summons and Complaint, Plaintiff shall submit an application to proceed *in forma pauperis* (without prepaying fees or costs), available here:

<https://www.nysd.uscourts.gov/sites/default/files/2018-06/IFP-application.pdf>. It is further

ORDERED that, if Plaintiff fails to complete such a form, by **April 24, 2024**, Plaintiff shall serve Defendant with a copy of the summons and Complaint by following Federal Rule of Civil Procedure 4, which requires that the server be a person “who is at least 18 years old and not a party.” Fed. R. Civ. P. 4(c)(2). In other words, Plaintiff herself may not be the server.

However, Plaintiff may ask a trusted family member or friend who is over 18 years old to be the server, or he may hire a professional process server. Plaintiff is directed towards Federal Rule of Civil Procedure 4(e) for instructions on how to serve an individual and Federal Rule of Civil Procedure 4(h) for instructions on how to serve a corporation. Pursuant to Federal Rule of Civil

Procedure 4(l), Plaintiff shall file proof of service on the docket by the same date. Plaintiff may use the following form to fulfill the proof of service requirement:

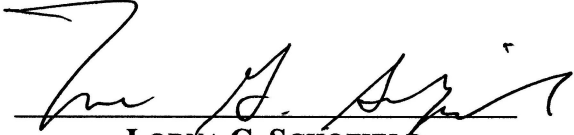
<https://www.nysd.uscourts.gov/sites/default/files/2018-06/2013-affirmation-of-service.pdf>.

Plaintiff is encouraged to speak with the New York Legal Assistance Group if he has questions about how to serve Defendants. Plaintiff is also encouraged to visit the Southern District of New York's website for answers to commonly asked questions by pro se litigants:

<https://www.nysd.uscourts.gov/prose-faqs>. A copy of Federal Rule of Civil Procedure 4 can be found here: https://www.law.cornell.edu/rules/frcp/rule_4.

The Clerk of Court is respectfully directed to email a copy of this Order, as well as all previous Orders in this matter, to Plaintiff at char.viii@protonmail.ch, and to mail physical copies to her address at 130 April Cove, Montgomery, TX 77356.

Dated: April 19, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE